

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Gene GOULD and
Michael J. CONRAD

Serial No.: 10/039,769

Filed: December 31, 2001

For: SCANNING SPECTROPHOTOMETER
FOR HIGH THROUGHPUT FLUORESCENCE
DETECTION AND FLUORESCENCE
POLARIZATION



) Confirmation No.: 9179
)
) Group Art Unit: Unknown
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) Examiner: Unknown
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PETITION UNDER 37 C.F.R. § 1.47(a)

Box MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

This application was filed on December 31, 2001 and assigned Serial No. 10/039,769. The Notice to File Missing Parts is dated February 15, 2002.

The inventors of this application are Gene Gould and Michael J. Conrad. The executed declaration of Michael J. Conrad accompanies this petition. See MPEP 409.03(a).

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CERTIFICATE OF MAILING BY EXPRESS MAIL
Under 37 C.F.R. § 1.10

I hereby certify under 37 C.F.R. § 1.10 that this Response and corresponding transmittal documents are being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to Box Missing Parts, the Commissioner for Patents, Washington, D.C. 20231

Dated: 4-15-02

Kim A. Cabello

Signature

Kim A. CABELLO

Type Name

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Joint inventor Michael J. Conrad, by his undersigned attorney, hereby petitions under 37 C.F.R. § 1.47(a) to make this application on behalf of joint inventor Gene Gould who by his failure to execute and return the application papers as set forth below, has refused to execute the application papers.

The undersigned attorney has attempted to obtain a Declaration of Inventorship from joint inventor Gene Gould without success. Attached as Exhibit A is the Declaration under 37 C.F.R. § 1.47(a) by Victor J. Castellucci setting forth that application papers were sent to Gene Gould who has not executed and returned them. Exhibit B is a copy of the March 8, 2002 letter to Dr. Gould requesting that he review the application and execute the declaration. Exhibit C is a copy of the Federal Express airbill of the package sent to Dr. Gould, marked by the Federal Express delivery person as "recipient not at this address."

It is respectfully submitted that the filing of this patent application without the signed Declaration of Dr. Gould is necessary to preserve the rights of the parties in that the filing date of the above-identified application is necessary to make a claim for priority under 35 U.S.C. 120. See MPEP 409.03(g).

It is understood that Dr. Gould's last known address is as follows:

Dr. Gene Gould
1702 Legaye Drive
Carlsbad, California 92007

Filed herewith is the Response to Missing Parts including Utility Declaration and Power of Attorney executed by co-inventor Michael J. Conrad, the executed Assignment of Patent

and PTO Form 1595 and a copy of the Notice to File Missing Parts.

Acceptance of this application is respectfully requested.

Dated: 04/15/02

Respectfully submitted,

Pillsbury Winthrop LLP

By: *Victor J. Castellucci*

Victor J. Castellucci

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